

### REMARKS

The application has been carefully reviewed in light of the Office Action dated January 5, 2010. Claim 1, 5 to 10, 16, and 19 to 24 are in the application, of which Claim 1 is independent. Claims 2 to 4, 11 to 15, 17, and 18 have been cancelled without prejudice. Reconsideration and further examination are respectfully requested.

The Office Action has required a new oath or declaration, alleging that the Declaration filed on May 29, 2007 is defective because it is directed to international application no. PCT/JP0004881 and does not reflect the amendments of the claims in the international application. This requirement is respectfully traversed.

As set forth at MPEP § 1896(VI), submissions to enter the U.S. national stage may identify the specification in the oath or declaration by reference to the international application. There is no requirement that the oath or declaration refer to amendments made in the international application. Furthermore, it should be appreciated that the claim amendments made in international application no. PCT/JP0004881 were made after the filing of the Declaration.

The Office Action asserts that the subject application does not comply with the sequence rules. This matter has been attended to by the amendments to the specification made herein.

Claims 1, 5 to 7, and 16 were rejected under 35 U.S.C. § 102(b) over U.S. Publication No. 2001/0036632 (Yu); and Claims 8 to 10, 19, and 20 were rejected under 35 U.S.C. § 103(a) over Yu in view of U.S. Patent No. 6,416,951 (Schmidt). In this regard, it appears that the Office Action, at page 7, inadvertently refers to “Schmidt” as “Wang (2000)”. The rejections are respectfully traversed.

Claim 1 recites, *inter alia*, (i) preparing a nucleic acid having a sequence complementary to a partial and sequential base sequence within the region between a 3'-end of the A-strand and the base sequence to be detected which is located nearest the 3'-end as a primer for elongating the B-strand and a nucleic acid having a sequence having a partial and sequential base sequence within the region between a 5'-end of the A-strand and the base sequence to be detected which is located nearest the 5'-end as a primer for elongating the A-strand, and (ii) performing PCR reactions using the A-strand and B-strand as templates, and using the primers immobilized on the substrate, the primer for elongating the A-strand, and the primer for elongating the B-strand.

By virtue of the foregoing feature, it is possible for the primers for elongating the A-strand and the B-strand to move freely, thereby allowing for more efficient amplification of the base sequences to be detected. See, for example, page 13, lines 8 to 18 of the instant application.

Yu and Schmidt, either alone or in combination, are not seen to disclose or suggest at least the foregoing feature, or the attendant benefits provided thereby.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the claims and are dependent from the independent claim discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

With respect to non-elected Claims 21 to 24, rejoinder of these claims is respectfully requested upon the allowance of Claims 1 and 19, pursuant to MPEP § 821.04.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

/Damond E. Vadnais/  
Damond E. Vadnais  
Attorney for Applicant  
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
Facsimile: (212) 218-2200

FDHS\_WS 6037011v1